



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,560	08/07/2003	Kathleen A. McMurry	RIC02012	8587

25537 7590 03/21/2008
VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON, VA 22201-2909

EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
----------	--------------

2614

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/21/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

Office Action Summary	Application No. 10/635,560	Applicant(s) MCMURRY ET AL.	
	Examiner THJUAN K. ADDY	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/30/2003; 06/11/2004; 01/14/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not identify the citizenship of each inventor.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-10, 13-19, 21, 22, 25-30, and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Andruska et al. (US 5,937,035).

3. In regards to claims 1, 9, 21, 29, and 34, Andruska discloses a method and server for providing call pickup in a communications system including a plurality of communication stations operably coupled thereto (See Fig. 1 and col. 2 lines 20-29), the method comprising: originating a call from a first communication station (e.g., calling party's telephone) to a second communication station (e.g., monitored phone MP12) via a network server (e.g., switch 1); alerting the second communication station of the call; storing context information (e.g., caller ID) pertaining to the call at a database; receiving,

at the network server, at least one call pickup indication from a third communication station (e.g., monitoring terminal/station MT11); responsive to the call pickup indication, obtaining, at the network server, the context information from the database; and applying the context information to establish communication between the first communication station and the third communication station (See Fig. 7, col. 6 lines 8-26, and col. 6 lines 54-64).

4. In regards to claims 2 and 26, Andruska discloses the method and server, further comprising: determining, at the network server, whether the third communication station (e.g., monitoring terminal/station) is eligible (e.g., available or busy) to receive the call (e.g., a call pickup message is received from the monitoring terminal/station); and responsive to whether the third communication party is eligible to receive the call, establishing communication between the first communication station and the third communication station (See col. 6 lines 8-26 and col. 6 lines 54-64).

5. In regards to claims 3 and 22, Andruska discloses the method and server, further comprising: prior to establishing communications between the first communication station and the third communication station, establishing an early media dialog (e.g., transferring of messages) between the third communication station and the network server (See col. 6 lines 8-26).

6. In regards to claims 6 and 32, Andruska discloses the method, wherein the determining whether the third communication station is eligible to receive a call from the first communication station occurs prior to obtaining the context information (See col. 6 lines 8-26).

7. In regards to claims 7 and 27, Andruska discloses the method and server, wherein the determining includes: determining whether the third communication station is in a same group as the second communication station, determining whether an extension number in the group is involved in a call establishment (e.g., monitored terminal is busy or unavailable) when the third communication station is in the same group as the second communication station, and determining that the third communication station is eligible to receive a call from the first communication station when an extension number in the group is determined to be involved in a call establishment (See col. 4 lines 3-21 and col. 6 lines 8-26).

8. In regards to claims 8 and 28, Andruska discloses the method and server, wherein the at least one call pickup indication includes an extension number, and wherein the method further comprises: determining, prior to obtaining the context information, whether the extension number is in a ringing status, and wherein the obtaining the context information occurs when the extension number is determined to be in a ringing status (See col. 3-4 lines 52-10 and col. 6 lines 60-64).

9. In regards to claims 10 and 30, Andruska discloses the method, wherein the establishing a dummy session includes: establishing an early media dialog (e.g., transferring of messages) between the network server and the third party device (See col. 6 lines 8-26).

10. In regards to claims 13 and 25, Andruska discloses the method and server, further comprising: storing, following transmitting the first message, context information relating to the call between the calling party device and the called party device; and

retrieving the context information in response to receiving the second message, wherein the establishing a call between the calling party device and the third party device includes: using the retrieved context information for establishing the call between the calling party device and the third party device (See col. 6 lines 8-26 and col. 6 lines 54-64).

11. In regards to claim 14, Andruska discloses the method, further comprising: determining, prior to the canceling, whether the third party device is eligible (e.g., available or busy) to receive a call from the calling party device (e.g., a call pickup message is received from the monitoring terminal/station) (See col. 6 lines 8-26).

12. In regards to claim 15, Andruska discloses the method, wherein the determining includes: determining whether the third party device is in a same group as the called party device, determining whether an extension number in the group is involved in a call establishment when the third party device is in the same group as the called party device, and determining that the third party device is eligible to receive a call from the calling party device when an extension number in the group is determined to be involved in a call establishment (See col. 4 lines 3-21 and col. 6 lines 8-26).

13. In regards to claim 16, Andruska discloses the method, wherein the call pickup indication includes an extension number, and wherein the method further comprises: determining, prior to canceling the call establishment between the calling party device and the called party device, whether the extension number is in a ringing status, and wherein the canceling the call establishment between the calling party device, and the called party device occurs when the extension number is determined to be in a ringing

status (See col. 3-4 lines 52-10 and col. 6 lines 60-64).

14. In regards to claim 17, Andruska discloses the method, wherein the second message is transmitted to the network server in response to a designation of one or more keys (e.g., call pick up button) at the third party device (See col. 6 lines 16-22).

15. In regards to claim 18, Andruska discloses the method, further comprising: billing the third party in response to receiving the second message at the network server (See col. 6-7 lines 60-3).

16. In regards to claims 19 and 33, Andruska discloses the method, wherein the calling party device does not provide call pickup functionality (See col. 6 lines 54-64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4, 5, 11, 12, 20, 23, 24, 31, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andruska et al. (US 5,937,035), in view of Kwon (US Patent Application, Pub. No.: US 2003/0072300 A1).

18. In regards to claims 4, 5, 11, 12, 20, 23, 24, and 31, Andruska discloses all of claims 4, 5, 11, 12, 20, 23, 24, and 31 limitations, except the method and server, wherein the establishing an early media dialog includes: sending a session initiated protocol (SIP) provisional response message to the third communication station from

the network server. Kwon, however, does disclose sending a session initiated protocol (SIP) provisional response message to the third communication station from the network server (See pg. 3, paragraph [0033] and pg. 3, paragraph [0035]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the method, as a way of transmitting and receiving voices using an IP terminal and IP network, and for serving of a station group in the Internet protocol telephony exchange system for providing a variety of group services to IP terminals, by applying the same telephone system and same maintenance system to IP terminals and legacy terminals.

19. In regards to claim 35, Andruska discloses all of claim 35 limitations, except the method, wherein the first device includes a plain old telephone service (POTS) device and the third device includes a session initiation protocol (SIP) device. Kwon, however, does disclose wherein the first device includes a plain old telephone service (POTS) device (e.g., legacy terminal 16) and the third device includes a session initiation protocol (SIP) device (e.g., IP terminal 18) (See Fig. 1; pg. 5, paragraph [0053] - [0055]; and pg. 5, paragraph [0057] - [0058]).

20. In regards to claim 36, Andruska discloses all of claim 36 limitations, except the method, wherein the first device and the third device include a session initiation protocol (SIP) device. Kwon, however, does disclose wherein the first device and the third device include a session initiation protocol (SIP) device (See Fig. 1 and pg. 5, paragraph [0057] - [0058]).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schulzrinne (US Patent Application, Pub. No.: US 2004/0148395 A1) teaches a network telephony appliance and system supporting wireless Internet telephony. Schulzrinne (US 6,970,909) teaches a multi-protocol data communication system supporting wireless telephony and content delivery.
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.
23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/635,560
Art Unit: 2614

Page 9

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614